

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JANE DOE,

Plaintiff,

V.

TOWN OF BLACKSBURG, SHAUN
CHUYKA, and BRANDON FRETWELL,

Defendants.

Civil Action No. 7:21-cv-00072

By: Elizabeth K. Dillon
United States District Judge

**ORDER DENYING MOTION TO PROCEED UNDER A PSEUDONYM,
GRANTING IN PART, DENYING IN PART, AND TAKING UNDER ADVISEMENT
IN PART MOTION TO DISMISS**

On April 13, 2021, the court held a hearing on plaintiff's motion to proceed under a pseudonym (Dkt. No. 2) and defendants' motion to dismiss. (Dkt. No. 7.) For the reasons stated on the record at the hearing, it is **HEREBY ORDERED** as follows:

1. Plaintiff's motion to proceed under a pseudonym (Dkt. No. 2) is DENIED;
2. Defendants' motion to dismiss (Dkt. No. 7) is GRANTED in part, DENIED in part, and TAKEN UNDER ADVISEMENT in part;
3. Defendants' motion to dismiss is GRANTED as to plaintiff's claims against defendant Town of Blacksburg. Plaintiff's state law claim for respondeat superior liability (count III) against Town of Blacksburg is DISMISSED WITH PREJUDICE. Plaintiff's federal claim for *Monell* liability against Town of Blacksburg is DISMISSED WITHOUT PREJUDICE;
4. Defendants' motion to dismiss is GRANTED as to plaintiff's excessive force claim (count I) against defendant Brandon Fretwell. This claim is DISMISSED WITHOUT PREJUDICE;

5. Defendants' motion to dismiss is GRANTED as to plaintiff's claims against defendants Fretwell and Shaun Chuyka for intentional infliction of emotional distress (count III). These claims are DISMISSED WITHOUT PREJUDICE;

6. Defendants' motion to dismiss is GRANTED as to plaintiff's claim against defendant Chuyka for assault (count III). This claim is DISMISSED WITHOUT PREJUDICE;

7. Defendants' motion to dismiss is DENIED as to plaintiff's request for punitive damages;

8. Defendants' motion to dismiss plaintiff's claim for false imprisonment/false arrest against defendant Chuyka (count III) is TAKEN UNDER ADVISEMENT;

9. Plaintiff has 21 days to file any motion for leave to amend with a proposed amended complaint;

10. Plaintiff is directed to file the complaint with the plaintiff named in the caption within 7 days; and

11. Any defendant that has filed an answer is not required to file another answer to the complaint naming the plaintiff.

The clerk is directed to provide a copy of this order to all counsel of record.

Entered: April 13, 2021.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge